

### **REMARKS**

This responds to the Office Action dated October 6, 2008.

Claims 10 and 65 are amended. Claims 10-12 and 53-66 are pending in this application.

#### **§103 Rejection of the Claims**

Claims 10, 12, 64 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsubota (U.S. Patent No. 5,361,660) in view of Lyon (U.S. Patent No. 2,821,156).

#### **Claims 10, 12, and 64**

Applicant has amended claim 10 to better describe the subject matter recited in the claim. Applicant believes amended claim 10 is not obvious in view of the Tsubota and Lyon references since, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the cited combination: delivering the lubricant to a periphery of an open upper end of the die hole, wherein the lubricant is directed so as to be concentrated at a specified, pre-determined location on the periphery of the open upper end of the die hole such that the specified, pre-determined location on the periphery of the open upper end of the die hole has a higher concentration of lubricant than other locations on the periphery of the open upper end of the die hole, as recited in claim 10.

In contrast, the Tsubota reference discusses that “[t]he cutting oil from the oil supply source 23 is mixed with air and is fed in an atomized state in the form of upward intermittent spurts from the pressurized air supply source to the interior of the cylindrical tool die 11, such that it sticks to the lower tool 7.” (Col. 4, lines 13-18). Thus, the Tsubota reference discusses blowing atomized oil to cover the interior of the die. The atomized oil apparently covers the interior and the periphery of the die relatively equally.

In the Lyon reference, lubricant is delivered to the upper portion of the die to annular groove 37 by eight symmetrical passageways 41. (See Fig. 4 and col. 2, line 60 – col. 3, line 2). Thus groove 37 is filled equally all around with lubricant and the lubricant is not concentrated at a specified, predetermined location of the groove.

Accordingly, even if combined, and even if a rectangular work-piece was being cut, as suggested by the Examiner in the Response to Arguments section of the Office Action, the

combination would have symmetrical, non-concentrated lubrication at the upper open end of the die hole, as opposed to the lubricant being directed so as to be concentrated at a specified, pre-determined location on the periphery of the open upper end of the die hole such that the specified, pre-determined location on the periphery of the open upper end of the die hole has a higher concentration of lubricant than other locations on the periphery of the open upper end of the die hole, as recited in claim 10.

Claims 12 and 64 include each limitation of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### Claim 65

Applicant has amended claim 65 to better describe the subject matter recited in the claim. Applicant believes claim 65 is not obvious in view of the cited references since, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the cited combination: wherein the lubricant directed so as to be concentrated at a specified, pre-determined location on the periphery of the open upper end of the die hole where the punch will cut through the aluminum portion of the sheet and such that the specified, pre-determined location on the periphery of the open upper end of the die hole has a higher concentration of lubricant than other locations on the periphery of the open upper end of the die hole, as recited in claim 65.

As discussed above, the Tsubota reference discusses blowing atomized oil to cover the interior of the die. The atomized oil apparently covers the interior and the periphery of the die relatively equally.

In the Lyon reference, lubricant is delivered to the upper portion of the die to annular groove 37 by eight symmetrical passageways 41. (See Fig. 4; and col. 2, line 60 – col. 3, line 2). Thus groove 37 is filled equally all around with lubricant and the lubricant is not concentrated at a specified, pre-determined location of the groove.

Accordingly, even if combined, the combination would include symmetrical lubrication at the upper open end of the die hole; as opposed to the lubricant being directed so as to be concentrated at a specified, pre-determined location on the periphery of the open upper end of the die hole where the punch will cut through the aluminum portion of the sheet and such that the

specified, pre-determined location on the periphery of the open upper end of the die hole has a higher concentration of lubricant than other locations on the periphery of the open upper end of the die hole, as recited in claim 65.

Reconsideration and allowance is respectfully requested.

Claims 11 and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsubota in view of Lyon as applied to claims 10 and 65 above, and further in view of Klint et al. (U.S. Patent No. 3,288,715, hereafter “Klint”).

Claims 11 includes each limitation of their respective parent claims and are not obvious in view of the cited references since the secondary reference does not overcome the deficiencies of the primary references discussed above. Reconsideration and allowance is respectfully requested.

Claim 57 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsubota in view of Lyon as applied to claim 10 above, and further in view of 3M, “Fluorinert Electronic Liquid FC-43”, May 2000.

Claim 57 includes each limitation of its parent claim and is not obvious in view of the cited references since the secondary reference does not overcome the deficiencies of the primary references discussed above. Reconsideration and allowance is respectfully requested.

**CONCLUSION**


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

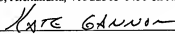
Respectfully submitted,

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Date 1/6/09

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 6, 2009.

  
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